IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.309 OF 2001

Rahul Transport Pvt. Ltd.)..Petitioner

Versus

Daman Rosin Pvt. Ltd.)..Respondent

Ms.Bindi Desai i/b.Shah & Sanghvi for the Petitioner.

None present for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 25TH NOVEMBER 2005

P.C.:

. This Petition has been filed against the Company known as Daman Rosin Pvt. Ltd. According to the Petitioners, they had provided road transport services to the Respondent company. Various freight bills were raised by the Petitioners from time to time on the Respondent Company. A detailed statement of the outstanding freight rates upto 31st March 1999 was furnished to the Respondent Company. The statement indicated that an amount of Rs.1,10,126/- was due and payable by the Company to the Petitioners. Since no amount was paid to the Petitioners, the Petitioners issued a statutory notice on 4th December 2000 indicating therein that an amount of Rs.1,10,126/- was due and payable to the Petitioners including interest at the rate

of 21%. The statutory notice issued by the Petitioners has not been replied by the Respondent Company. However, the Respondent Company has filed an affidavit in reply at the stage of admission. The Respondent Company had merely denied any outstanding dues payable to the Petitioners. All that is stated in the affidavit is that the Petitioners failed to give inspection of the bills referred to in the Petition. It appears that after the affidavit was filed, the Petitioners offered inspection to the Respondent. There are no further affidavits filed by the Respondent in the matter denying the liability. It appears that the defence of the Respondent is not bona fide.

2. Nobody appears for the Respondent Company despite service. Accordingly, the Petition is made absolute in terms of prayer clauses (a) and (b).